

HOUSE COMMERCE
COMMITTEE AMENDMENT

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 51*

House Bill No. 583

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting the language after the enacting clause in its entirety and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 7, Part 1, is amended by adding the following section:

Section 66-7-1-__.

(a) An occupant's tenancy may be terminated where the premises are knowingly used or occupied in whole or in part to violate Tennessee Code Annotated, Section 39-17-417.

(b) The district attorney general for the district in which the real property is located, in a jurisdiction having a population in excess of five hundred thousand (500,000) according to the 1990 federal census or any subsequent federal census, may serve personally upon the owner or landlord of the premises so used or occupied, or upon the owner's or landlord's agent, a written notice requiring the owner or landlord to inform such district attorney general in writing of the owner's or landlord's intent to diligently and in good faith seek the eviction of the tenants or occupants so using or occupying the premises. If the owner or landlord or the owner's or landlord's agent does not so inform such district attorney general in writing within five (5) days of receiving written notice or, having so done, does not in good faith diligently prosecute such eviction, the district attorney general may bring a proceeding under this

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section in general sessions court or circuit court for such eviction as though the district attorney general was the owner or landlord of the premises, and such proceeding shall have precedence over any similar proceeding thereafter brought by such owner or landlord or to a proceeding previously brought by such owner or landlord and not prosecuted diligently and in good faith. The person in possession of the property and the owner or landlord shall be made respondents in such a proceeding.

(c) A court granting relief pursuant to this section may order, in addition to any other costs provided by law, the payment by the respondent or respondents of reasonable attorney's fees and the prepaid costs of the proceeding to the district attorney general. In such cases, multiple respondents are jointly and severally liable for any payment so ordered. Any costs collected shall be remitted to the office of the district attorney general, and any attorney fees collected shall be remitted to the general fund of the county where the proceeding occurred.

(d) A proceeding brought under this section for possession of the premises does not preclude the owner or landlord from recovering monetary damages from the tenants or occupants of such premises in a civil action.

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SECTION 2. This act shall take effect July 1, 1997, the public welfare requiring
it.

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